

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0740

Reversed

Continued Claims for Weeks 30-25 through 32-25 and 34-25 Allowed

PROCEDURAL HISTORY: On September 15, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed a late claim for unemployment insurance benefits for the week of July 20, 2025 through July 26, 2025 (week 30-25), and was therefore denied benefits for that week (decision # L0012958455). Also on September 15, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of July 27, 2025 through August 2, 2025 (week 31-25), and was therefore denied benefits for that week (decision # L0012914198). Also on September 15, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of August 3, 2025 through August 9, 2025 (week 32-25), and was therefore denied benefits for that week (decision # L0012935537). Also on September 15, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of August 17, 2025 through August 23, 2025 (week 34-25), and was therefore denied benefits for that week (decision # L0012998016). Claimant filed a timely request for hearing on each administrative decision. On November 19, 2025, ALJ Frank conducted a consolidated hearing, and on November 25, 2025, issued Orders No. 25-UI-312222, 25-UI-312224, 25-UI-312226, and 25-UI-312227, affirming decisions # L0012958455, L0012914198, L0012935537, and L0012998016, respectively. On December 1, 2025, claimant filed applications for review of Orders No. 25-UI-312222, 25-UI-312224, 25-UI-312226, and 25-UI-312227 with the Employment Appeals Board (EAB).

EAB combined its review of Orders No. 25-UI-312222, 25-UI-312224, 25-UI-312226, and 25-UI-312227 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in quadruplicate (EAB Decisions 2025-EAB-0741, 2025-EAB-0738, 2025-EAB-0740, and 2025-EAB-0739).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant's July 25, 2025 message to the Department, which has been marked as EAB Exhibit 1; and Department records concerning an additional claim effective July 13, 2025, and account notes from September 12, 2025,

which have been marked as EAB Exhibit 2. Copies of these exhibits are provided to the parties with this decision. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, saying why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the exhibits will remain in the record.

WRITTEN ARGUMENT: EAB considered claimant's argument in reaching this decision.

FINDINGS OF FACT: (1) On November 12, 2024, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid.

(2) On July 6, 2025, claimant filed a continued claim for the week of June 29, 2025 through July 5, 2025 (week 27-25) in which she reported having earned wages that exceeded her weekly benefit amount. The Department denied claimant benefits for the week based on those earnings.¹

(3) During the week of July 6, 2025 through July 12, 2025 (week 28-25), claimant earned wages that exceeded her weekly benefit amount. Claimant did not file a claim for benefits for week 28-25 during the seven days following the end of that week.

(4) At some point between July 20, 2025 and July 25, 2025, claimant attempted to file a claim for benefits for the week of July 13, 2025 through July 19, 2025 (week 29-25) using Frances Online. However, the system would not allow claimant to file a claim for that week and directed her to contact the Department for assistance. Claimant mistakenly believed that her inability to file a claim for week 29-25 using Frances Online was related to a pending appeal on a claim issue. However, the actual reason was that claimant needed to restart her claim by filing an *additional claim*, due to having worked during week 28-25 and having not filed a continued claim for that week.

(5) On July 25, 2025, claimant sent an electronic message to the Department which stated, "I am still fighting my denial and have requested for the board to review. Now I'm unable to file a week. I should be able to file a week of benefits while my case is reviewed. The system says I need to contact you but you[r] line is closed more often than [not]. Please advise." EAB Exhibit 1 at 1.

(6) On August 8, 2025, a Department representative read claimant's July 25, 2025 message, and noted on her account, "Claimant wanting to submit appeal. Appeal currently pending. No additional action needed. Completed task." The representative did not attempt to assist claimant in restarting her claim.²

(7) On August 21, 2025, claimant attempted to file a claim for benefits for the week of August 10, 2025 through August 16, 2025 (week 33-25) using Frances Online but was not allowed to do so, and she was

¹ EAB has taken notice of these facts, which are in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

² EAB has taken notice of these facts, which are in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

again directed to contact the Department for assistance. On August 22, 2025, claimant contacted a Department representative through their website chat feature, but the representative only gave claimant a status update on her appeal and did not assist claimant in restarting her claim.³

(8) On September 12, 2025, claimant spoke with Department representatives by online chat, who explained to her that she had been unable to file continued claims using Frances Online due to the need to restart her claim. With a representative's assistance, claimant filed an additional claim that day, and the Department immediately allowed backdating the effective date of the additional claim to July 13, 2025, based on her documented contact with the Department on July 25, 2025.⁴

(9) Later on September 12, 2025, claimant filed continued claims using Frances Online, including for the weeks of July 20, 2025 through August 23, 2025 (weeks 30-25 through 34-25). The Department allowed claimant's late continued claim for the week of August 10, 2025 through August 16, 2025 (week 33-25). The adjudicator noted their reason for allowing the late claim for that week as: "The claimant attempted to file a restart after failing to claim the prior weeks, on 8/21/25 however the system would not allow the claimant to proceed. On 8/22/25, the claimant contacted [the Department] via live chat for assistance. The [Department] rep did not assist claimant with restarting their claim so they would be eligible to file for the week. Had the claimant been provided adequate help, they could have filed timely. This is an agency related barrier which is good cause to allow the late report [for week 33-25]."⁵

(10) On September 15, 2025, the Department issued decisions # L0012958455, L0012914198, L0012935537, and L0012998016, denying claimant benefits for weeks 30-25, 31-25, 32-25, and 34-25 because the continued claims for those weeks were filed late. Each administrative decision stated, "By rule, you must have claimed benefits for the week [at issue in that decision] by September 19, 2025." Order No. 25-UI-312222, Exhibit 1 at 5; Order No. 25-UI-312224, Exhibit 1 at 5; Order No. 25-UI-312226, Exhibit 1 at 5; Order No. 25-UI-312227, Exhibit 1 at 5.

CONCLUSIONS AND REASONS: Claimant's continued claims for weeks 30-25 through 32-25 and 34-25 are allowed.

OAR 471-030-0040 (January 11, 2018) provides, in relevant part:

³ EAB has taken notice of these facts, which are in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

⁴ A Department representative testified that the additional claim, effective July 13, 2025, was filed by telephone on July 13, 2025. Audio Record at 12:55. However, this is inconsistent with later testimony that claimant did not file any claim during the seven days following the week of July 6, 2025 through July 12, 2025 (week 28-25), and inconsistent with the Department's account notes made on September 12, 2025, and other claim records. Audio Record at 13:18; *See* EAB Exhibit 2 at 1. The weight of the evidence supports that the additional claim was filed on September 12, 2025, and its effective date immediately backdated to July 13, 2025, and these facts have been found accordingly.

⁵ EAB has taken notice of these facts, which are in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

(1) As used in these rules, unless the context requires otherwise:

- (a) “Claimant” is an individual who has filed an initial, additional, or reopened claim for unemployment insurance purposes within a benefit year or other eligibility period;
- (b) An “initial claim” is a new claim that is a certification by a claimant completed as required by OAR 471-030-0025 to establish a benefit year or other eligibility period;
- (c) “Additional claim” is a claim certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies to the end of a period of employment;
- (d) “Reopened claim” is a certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies that there was no employment in any week since last reporting on this claim;
- (e) “Backdating” occurs when an authorized representative of the Employment Department corrects, adjusts, resets or otherwise changes the effective date of an initial, additional or reopened claim to reflect filing in a prior week. Backdating may occur based upon evidence of the individual's documented contact on the prior date with the Employment Department or with any other state Workforce agency, or as otherwise provided in this rule.

* * *

(3) An initial, additional, or reopened claim must be filed prior to or during the first week or series of weeks for which benefits, waiting week credit, or noncompensable credit is claimed and prior to or during the first week of any subsequent series thereafter. An initial claim is effective the Sunday of the calendar week in which it is filed. An authorized representative of the Employment Department will backdate an additional or reopened claim to the calendar week immediately preceding the week in which the request to backdate was made when a claimant requests backdating of the additional or reopened claim.

* * *

OAR 471-030-0045 (January 11, 2018) provides, in relevant part:

(1) As used in these rules, unless the context requires otherwise:

- (a) “Continued Claim” means an application that certifies to the claimant’s completion of one or more weeks of unemployment and to the claimant’s status

during these weeks. The certification may request benefits, waiting week credit, or non-compensable credit for such week or weeks. A continued claim must follow the first effective week of an initial, additional or reopen claim, or the claimant's continued claim for the preceding week;

(b) A "non-compensable credit week" is a week of unemployment for which benefits [shall] will not be allowed but which may qualify as a week allowed toward satisfying a disqualification as provided in ORS 657.215.

(2) A claimant, in order to obtain benefits, waiting week credit, or non-compensable credit for a week of unemployment, must file a continued claim for the week by any method approved by the Director.

* * *

(4) A continued claim must be filed no later than seven days following the end of the week for which benefits, waiting week credit, or noncompensable credit, or any combination of the foregoing is claimed[.]* * *

(5) The Director may, with respect to individual claimants or groups of claimants, direct that continued claims be filed on any reporting schedule appropriate to existing facilities and conditions.

* * *

The continued claims for weeks 30-25, 31-25, 32-25, and 34-25 were each filed on September 12, 2025, more than seven days after the end of each respective benefit week, and were therefore late under OAR 471-030-0045(4). The record shows that claimant was prevented from filing each of these claims within seven days of the end of the week claimed, using Frances Online, because she first needed the assistance of a Department representative to restart her claim. Claimant did not timely file a continued claim for benefits for the week of July 6, 2025 through July 12, 2025 (week 28-25), likely because wages earned during that week exceeded her weekly benefit amount, and she would therefore not be entitled to benefits for the week. Under OAR 471-030-0040(1)(c), claimant therefore needed to file an *additional claim*, effective on or after July 13, 2025, in order to restart her claim and file continued claims for subsequent weeks, including weeks 30-25 through 34-25.

On July 25, 2025, claimant sent a message to the Department stating that she was unable to file a weekly claim using Frances Online, presumably for the week of July 13, 2025 through July 19, 2025 (week 29-25), and that the system directed her to seek assistance, but she was unable to reach the Department by telephone. *See* EAB Exhibit 1 at 1. Under OAR 471-030-0040(3), had the Department allowed claimant to file an additional claim on July 25, 2025, she would have been entitled to backdate its effective date to July 13, 2025, which was the Sunday of the week prior. However, Department records show that a representative first viewed the July 25, 2025 message on August 8, 2025, dismissed it as simply an inquiry about a pending appeal, and took no action to contact claimant or assist her in filing the additional claim. Claimant made a similar inquiry through online chat on August 22, 2025, with the same result. It was not until September 12, 2025, when claimant was able to speak with a representative

through chat, that the representative filed the additional claim for her, and, based on claimant's documented contact with the Department on July 25, 2025, backdated its effective date to July 13, 2025. Once that occurred, Frances Online allowed claimant to file the continued claims for weeks 30-25 through 34-25.

It can reasonably be inferred that when the effective date of an initial, additional, or reopened claim is backdated, the Department may use its authority under OAR 471-030-0045(5) to allow the claimant a reasonable time in which to file continued claims for the intervening weeks where the standard seven-day deadline set forth in OAR 471-030-0045(4) has passed. Each of the administrative decisions under appeal stated that claimant "must have claimed benefits for the week [at issue in that decision] by September 19, 2025," which was seven days after the additional claim was filed and its effective date backdated to July 13, 2025, suggesting that that may have been the Department's intent in this case. Claimant filed continued claims for weeks 30-25 through 34-25 on September 12, 2025, the same day backdating the effective date of the initial claim was allowed. Moreover, the Department's rationale for allowing the late continued claim for week 33-25—that the Department had imposed barriers to filing a continued claim by failing to timely and appropriately respond to claimant's requests to restart her claim, such that the late claim should be allowed—would apply equally to all benefit weeks from July 13, 2025 through August 30, 2025 (weeks 29-25 through 35-25), including weeks 30-25, 31-25, 32-25, and 34-25. Accordingly, the evidence supports allowing the continued claims for weeks 30-25, 31-25, 32-25, and 34-25 under OAR 471-030-0045(5).

For these reasons, claimant's continued claims for benefits for the weeks of July 20, 2025 through August 9, 2025, and August 17, 2025 through August 23, 2025 (weeks 30-25 through 32-25, and 34-25), are allowed, and claimant is eligible to receive benefits for those weeks if all other eligibility requirements are met.

DECISION: Orders No. 25-UI-312222, 25-UI-312224, 25-UI-312226, and 25-UI-312227 are set aside, as outlined above.

D. Hettle and A. Steger-Bentz;
S. Serres, not participating.

DATE of Service: January 9, 2026

NOTE: This decision reverses the ALJ's orders denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals **within 30 days of the date of service stated above**. See ORS 657.282. For forms and information, visit <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> and choose the appropriate form under "File a Petition for Judicial Review." You may also contact the Court of Appeals by telephone at (503) 986-5555, by fax at (503) 986-5560, or by mail at 1163 State Street, Salem, Oregon 97301.

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you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



Understanding Your Employment Appeals Board Decision

English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

Simplified Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyon.

Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

Khmer

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

Laotian

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຳຄໍາຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

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